

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-122-LPS
	)	
GROUPON, INC.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING  
MOTION FOR SUMMARY JUDGMENT OF GROUPON, INC.**

Upon consideration of Defendant Groupon, Inc.’s Motion for Summary Judgment, and any response thereto, the Court GRANTS the Motion.

The Court finds that Groupon, Inc.’s technology does not infringe the asserted claims of U.S. Patent Nos. 5,796,967 (claims 1-7, 12, and 17), 7,072,849 (claims 1-9, 12-22, and 25), 5,961,601 (claims 1, 2, 4, 6, 7-10, 51, 52, 54, and 56-59), and 7,631,346 (claims 2, 5, 8, and 10) as a matter of law.

The Court also finds that U.S. Patent No. 5,961,601 is not entitled to a priority date earlier than its filing date, June 7, 1996.

Accordingly, summary judgment that (1) Groupon, Inc. does not infringe U.S. Patent Nos. 5,796,967; 7,072,849; 5,961,601; and 7,631,346 and (2) the priority date of U.S. Patent No. 5,961,601 is June 7, 1996 is hereby ENTERED.

It is **SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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The Honorable Leonard P. Stark  
Chief Judge